

**Collective Bargaining Agreements**

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**Process, Practice, and Pitfalls**

Illinois Association of School Personnel Administrators  
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**Process**

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Navigating the Collective Bargaining Process

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**IELRA Basics - Bargaining**

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- Duty to Bargain
- Scope of Bargaining
- Grievance Procedure and No-Strike Clause
- The Written Agreement

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**Core Components of Bargaining Process**

- Collective Bargaining
- Mediation
- Impasse
- Strike

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**Strike Pre-Requisites**

- Represented by union
- Tried mediation unsuccessfully (impasse reached)
- 14 days have passed after offers made public
- 10 days after notice of intent to strike
- CBA has expired
- Haven't mutually submitted to interest arb

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**Forms of Collective Bargaining**

- Positional Bargaining
- Interest-Based Bargaining
- Hybrid
- Expedited Bargaining

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### Prep - Choosing Team Members

- Skill sets and perspectives
- Role of admin, BOE, BOE team members
- Professional Negotiators
- Union's team (dynamics, skill sets, etc.)

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### Prep - Dos & Don'ts for Board Team

- Do
  - Listen
  - Be professional always
  - Be supportive
  - Be fair, reasonable, open-minded, and flexible
  - Be patient
  - Be firm, when necessary
  - Bring problems to attention of negotiator
- Don't
  - Circumvent the process
  - Pontificate
  - Negotiate in the press or public
  - Be a hero
  - Get personal
  - Get hung up on public vs. private sector
  - Get self-destructive

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### Prep - Identify Goals & Objectives

- Issues from current arrangement  
(e.g., ambiguous language, grievances, inconsistent practices)
- New legal issues
- Community input
- Anticipating Union's concerns
- Prioritize

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**Prep - Compile Necessary Data**

- Standards & comparables
- If unique, explain why
- Economics
  - Cost vs. Benefit
  - "Step"
  - Scattergrams
  - Parameters/Direction from BOE

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**Prep - Logistical Issue**

- OMA does not apply to bargaining sessions
- But bargaining discussions by the BOE as part of a regular meeting *are* subject to OMA, but can be in closed session

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**Bargaining - Contract Provisions (Required)**

- Recognition (note carveouts)
- Grievance Procedure
- Duration
- No Strike
- Written Agreement Required

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**Recommended Provisions**

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• Management rights	• Schedule movement
• Zipper clause	• Cap on Bd-paid benefits
• Definitions	• Professional growth
• Severability	• Labor-Mgmt meetings
• Complete Understanding	

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**Other Typical Provisions**

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• Providing information	• School closing issues
• Notice of assignment	• Institute days
• Fair share	• Paid leaves of absence
• Union rights	• Unpaid leaves
• Contract printing/distrib	• Job sharing
• New employee info	• Compensation
• Union communications	• Retirement benefits
• Use of facilities	• Insurance
• Work year/calendar	

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**Provisions that Overlap with Law**

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• Negotiation procedures	• Jury duty leave
• Evaluations	• Sabbatical leave
• Union dues	• Workers comp
• Non-discrimination	• Military leave
• RIF	• Personnel files
• Vacancies	• Employee discipline
• Sick leave	• FMLA

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**Provisions to Avoid** (if possible)

- Issues covered by law
- Preamble
- Academic freedom
- Complaints
- Work environment
- Vacancies/transfers/assignments
- Work day issues
- Duty limitations/job descriptions
- Class size
- Guarantees of supports
- Committees
- Release time
- Student discipline
- Student grading
- Inclusion/SpEd issues

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**Unfair Labor Practices**

- Certain prohibited acts for District & Union
- Examples
  - Refusing to bargain
  - Refusing to reduce agreement to writing
  - Refusing to implement arbitrator's decision
  - Discriminating
  - Interfering with employee rights

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**Practice**

Implementing Your CBA on a Day-to-Day Basis

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**Practice - Scenario #1**

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Maternity Leave  
and Return from Leave

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**Practice - Scenario #2**

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Parent Complaint  
Leading to Discipline

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**Practice - Scenario #3**

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Custodian Working Overtime

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**Practice - Scenario #4**

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Unsatisfactory Evaluation  
Leading to Remediation

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**Pitfalls**

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Recent Legal Updates and Land Mines

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**Hot Bargaining Issues**

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- Retirement bumps/Pension Reform/ERO
- Health insurance/*Affordable Care Act*
- Evaluations
- Vacancies and RIFs
- Wages

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**Recent Legal Updates**

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- Subcontracting (*CUSD 5 v. IELRB*, 2014 IL App (4<sup>th</sup>) 130294)
- Same-Sex Marriage (P.A. 98-0597; IR-2013-72)
- Impasse/Strike Procedures (P.A. 97-0008)
- Just Cause (*Griggsville-Perry CUSD 4 v. IELRB*, 2013 IL 113721)

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